

RECLAMATION REFORM REFUND ACT OF 2000

SEPTEMBER 18, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 4847]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4847) to direct the Secretary of the Interior to refund certain amounts received by the United States pursuant to the Reclamation Reform Act of 1982, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4847 is to direct the Secretary of the Interior to refund certain amounts received by the United States pursuant to the Reclamation Reform Act of 1982.

BACKGROUND AND NEED FOR LEGISLATION

Under the Reclamation Reform Act of 1982 (RRA), direct and indirect landowners and lessees (landholders) are required to file RRA forms prior to receiving irrigation water. Such forms are submitted to districts who control the actual delivery of irrigation water. The Bureau of Reclamation has wrestled with the question of whether it should curtail the delivery of irrigation water to landholders who do not have forms on file. To address the problem, the Bureau of Reclamation in 1988 billed districts the full-cost rate for any of their landholders who were required to submit RRA forms, but did not file the form, and still received water for the period of the violation. Some districts, but not all, paid their bills.

As a result of the Bureau's review of the issue and a rule making action, in March 1995, the Bureau of Reclamation began to impose an administrative fee to address violations of the RRA form re-

quirements. In the case *Orange Cove Irrigation District v. The United States*, the judge ruled that “it is clear from the legislative history of the R.A. (Reclamation Act) that Congress did not intend for the Bureau to assess monetary penalties or fines for failure to submit the required forms.” After further review, the Bureau revised its position and attempted to refund part of the monies paid, but was advised that it did not have the legal authority to do so. This legislation directs and authorizes the Bureau of Reclamation to refund the fines the Bureau received, subject to the requirements in Section 2, (a) and the exception in (2)(b) of the bill.

COMMITTEE ACTION

H.R. 4847 was introduced on July 13, 2000, by Congressman Cal Dooley (D-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On July 26, 2000, the Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration of the measure by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title of the bill is the “Reclamation Reform Refund Act of 2000”.

Section 2. Refund of certain amounts received under Reclamation Reform Act of 1982

As described above, this section authorizes appropriations of up to \$3 million to be made available for refunds, and directs the Secretary of the Interior to make these funds pursuant to certain requirements.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 18, 2000.

Hon. DON YOUNG,
*Chairman Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4847, the Reclamation Reform Refund Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lisa Cash Driskill.

Sincerely,

ARLENE HOLEN
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4847—Reclamation Reform Refund Act of 2000

H.R. 4847 would authorize the appropriation of \$3 million to refund certain payments made by water districts to the Bureau of Reclamation (bureau) before January 1, 1994. Until that time, the bureau charged the full cost of providing irrigation water, rather than a reduced rate, to those water districts whose customers failed to file the appropriate forms. Currently, the bureau assesses a \$260 fee for failure to file such forms.

This bill would authorize and direct the bureau to refund the difference between the full cost rate and the reduced rate for providing irrigation water, less a \$260 fee, to certain districts with customers who did not complete the bureau's required paperwork prior to January 1, 1994. Based on information from the bureau, CBO estimates that about 80 districts would be owed a total of about \$650,000 under the refund formula specified in the bill. Hence, although the bill would authorize the appropriation of \$3 million, we estimate that implementing the bill would cost about \$1 million in 2001.

H.R. 4847 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit some water districts.

The CBO staff contact for this estimate is Lisa Cash Driskill. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

